

I. Purpose – This instruction is issued to reiterate National Instructions, to affirm Virginia's commitment to the protection of environmental resources in conjunction with serving the needs of rural Virginians in the administration of Agency programs, and to give specific information and direction on the establishment of an environmental support structure within the State of Virginia that will effectively implement environmental policies and procedures and integrate environmental issues into the Agency's decision making process.

All program areas within Rural Development have a responsibility to consider environmental issues in decision making along with economic and technical factors. Decisions should be based on an understanding of the environment. Addressing environmental concerns is, therefore, a critical part of each employee's responsibilities.

The established environmental support structure within the State shall consist of the SEC and an additional collateral duty assignments of Assistant State Environmental Coordinator (ASEC). Appointments will be made under Delegation of Authority Instructions. This structure is consistent with recommendations made by the Environmental Regulation Review Task Force.

II. 1940.303 General Policy

- (a) Rural Development will consider environmental quality, environmental justice, and civil rights impacts as equal with economic, social, and other factors in program development and decision-making processes.
- (b) In assessing the potential environmental impacts of its actions, Rural Development will consult early with appropriate Federal, State, and local agencies and other organizations to provide decision-makers with both the technical and human aspects of environmental planning.
- (c) When adverse environmental impacts are identified, either direct or indirect, an examination will be made of alternative courses of action, including their potential environmental impacts. Alternative actions reviewed must consider and support environmental justice and civil rights impact issues. The objective of the environmental review will be to develop a feasible alternative with the least adverse environmental impact. The alternative of not proceeding with the proposal will also be considered particularly with respect to the need for the proposal.
- (d) If no feasible alternative exists, including the no-action alternative, measures to mitigate the identified adverse environmental impacts will be included in the proposal.
- (e) The performance of environmental reviews and the consideration of alternatives will be initiated as early as possible in the Rural Development application review process so that the Agency will be in the most flexible

and objective position to deal with those considerations. In maintaining a professional response to both employees, considering time management and work schedules, and external customers, environmental reviews by the State Environmental Coordinator (SEC) and/or the Assistant Environmental Coordinator (ASEC) will be completed within ten (10) working days of receipt.

- (f) Environmental reviews must be completed prior to the Agency's first major decision on whether or not to participate in the proposal. This, at a minimum is always prior to the issuance of any commitment for guaranteed funds and, for all other programs, prior to loan approval or obligation of funds, whichever occurs first. Environmental reviews are not to be considered complete until: (1) A finding has been reached, which includes completion of the Civil Right Impact Analysis and the required documentation, and (2) Any required public comment period has expired, and comments received have been satisfactorily addressed and resolved.

III. 1940.307 Environmental Responsibilities within the State Office.

(a) State Director. The State Director will:

- (1) Serve as the responsible Rural Development official at the State Office level for ensuring compliance with the requirements of RD Instruction 1940-G, RUS Instruction 1794, and Virginia Instruction 1940-G,
- (2) Appoint one individual to serve as the SEC. Thereafter, the SEC will report directly to the State Director on the environmental matters outlined in RD Instruction 1940-G, RUS Instruction 1794, and Virginia Instruction 1940-G; and,
- (3) If desired, designate one or more staff members to serve as a program environmental coordinator having duties as outlined in subsequent sections of this subpart.

(b) State Environmental Coordinator. The SEC will:

- (1) Act as advisor to the State Director on environmental matters and Coordinate the requirements of RD Instruction 1940-G, RUS Instruction 1794, and Virginia Instruction 1940-G;
- (2) Review those Agency actions which are not categorically excluded from RD Instruction 1940-G, RUS Instruction 1794, and Virginia Instruction 1940-G, (see RD Instruction 1940-G, Sections 1940.311 and 1940.312) and which require the approval and/or clearance of the State Office and recommend to the approving official either

project approval, disapproval, or modification after analyzing and considering the following:

- (i) anticipated adverse environmental impacts,
 - (ii) the anticipated benefits, and
 - (iii) the action's consistency with RD and Virginia Instruction 1940-G;
- (3) Represent the State Director at conferences and meetings dealing with environmental matters of a State Office nature;
 - (4) Maintain liaison on State Office environmental matters with interested public groups and local, State, and other Federal agencies;
 - (5) Serve as the State Director's alternate on State-level USDA committees dealing with environmental, land use and historic preservation matters;
 - (6) Solicit, whenever necessary, the expert advice and assistance of other professional staff members within the State Office in order to adequately implement RD and Virginia Instruction 1940-G;
 - (7) Provide technical assistance as needed on a project-by-project basis to State, Area, and Local Office staffs;
 - (8) Develop controls for avoiding or mitigating adverse environmental impacts and monitor their implementation;
 - (9) Provide assistance in resolving post-approval environmental matters at the State level;
 - (10) Maintain records for those actions required by RD and Virginia Instruction 1940-G;
 - (11) Coordinate for the State Director the development of the State Office Natural Resource Management Guide;
 - (12) Provide direction and training to State, Area, and Local Office staffs on the requirements of RD Instruction 1940-G, RUS Instruction 1794, and Virginia Instruction 1940-G;
 - (13) Coordinate for the State Director the monitoring of the State Office's compliance with RD Instruction 1940-G, RUS Instruction 1794, and

Virginia Instruction 1940-G, and keep the State Director advised of the results of the monitoring process; and

- (14) With assistance from the ASEC, implements Agency environmental policies and procedures within the State Office's jurisdiction.
- (15) Affording professional consideration to the SEC's work schedule and time management concerns and to external customers, the SEC will complete the review of environmental assessments submitted within ten (10) working days of receipt and forward comments to the appropriate Program Director.

(c) Program Directors. State Office Program Directors will:

- (1) Be responsible for the adequacy of the environmental impact reviews required by RD Instruction 1940-G, RUS Instruction 1794, and Virginia Instruction 1940-G, for all program actions to be approved at the State Office level or concurred with at that level;
- (2) Coordinate the above reviews as early as possible with the SEC in a professional and time considerate manner, so that completion of the environmental assessment does not delay proposed agency actions and so these employees can assist in addressing the resolution of any unresolved or difficult environmental issues in a timely manner;
- (3) Incorporate into projects and actions measures to avoid or reduce potential adverse environmental impacts identified in environmental reviews; and,
- (4) Provide clear, concise, and accurate information to staff and the public on the environmental requirements for program actions and RD Instruction 1940-G, RUS Instruction 1794, and Virginia Instruction 1940-G.

(d) Assistant State Environmental Coordinator

Assistant State Environmental Coordinator responsibilities are assigned to to an employee as a collateral duty, typically constituting less than 20 percent of the employee's time, and are carried out in the extended absence of the State Environmental Coordinator, extended absence being defined as three working days or more. The duties are not grade controlling.

As the Assistant State Environmental Coordinator, the incumbent works

under the general direction and oversight of the State Environmental Coordinator on environmental matters.

Incumbent can act on behalf of the State Environmental Coordinator in his/her extended absence (three working days or longer) and has the following duties and responsibilities:

- (1) Act as an aide and advisor to the State Environmental Coordinator on environmental matters and assist in coordinating the requirements of Rural Development's environmental policies and procedures.
- (2) Assist the State Environmental Coordinator in reviewing Agency actions that are not categorically excluded by Rural Development's environmental regulations that require the approval or clearance of the State Office and recommend to the approving official either approval, disapproval, or modification after analyzing and considering the following:
 - (i) Anticipated adverse environmental impacts,
 - (ii) Anticipated benefits, and
 - (iii) Action's consistency with the Instructions' requirements;
- (3) Represent the State Director at conferences and meetings dealing with environmental matters of a State Office nature in the absence of the State Environmental Coordinator.
- (4) Assist the State Environmental Coordinator in maintaining liaison on State Office environmental matters with interested public groups and local, State, and other Federal agencies.
- (5) Serve as the State Director's alternate on State-level USDA committees dealing with environmental, land use, and historic preservation matters in the absence of the State Environmental Coordinator.
- (6) Assist the State Environmental Coordinator in soliciting the expert advice and assistance of other professional staff members within the State Office in order to adequately implement Rural Development's environmental policies and procedures.
- (7) Assist the State Environmental Coordinator in providing technical assistance as needed to State and field office staffs.
- (8) Assist the State Environmental Coordinator in developing controls

for avoiding or mitigating adverse environmental impacts and in monitoring their implementation.

- (9) Assist the State Environmental Coordinator in preparing scope of work and independent government cost estimates for environmental services.
- (10) Assist the State Environmental Coordinator in maintaining records for those actions required by Rural Development's environmental regulations.
- (11) Assist the State Environmental Coordinator in coordinating the development of the State Natural Resource Management Guide.
- (12) Assist the State Environmental Coordinator in providing direction and training to State and field office staff on the requirements of Rural Development's environmental policies and procedures.
- (13) Affording professional consideration to the ASEC's work schedule and time management concerns and to external customers, the ASEC will complete their review of environmental assessments submitted to them within ten (10) working days of receipt and forward comments to the appropriate Program Director.
- (14) Assist the State Environmental Coordinator in monitoring the State Office's compliance with Rural Development's environmental policies and procedures, including Civil Rights Impact Analysis and Environmental Justice, and in keeping the State Director advised of the results of the monitoring.
- (15) Provide clear, concise, and accurate information to staff and the public on the environmental requirements for program actions and of RD and Virginia Instructions 1940-G and RUS Instruction 1794.
- (16) After completion of the prescribed training program and acknowledgement of proficiency by the SEC, the ASEC may act on behalf of the SEC in his/her absence.

IV. 1940.308 Environmental Responsibilities at the Area and Local Office Levels.

- (a) The Rural Development Area Director and Area Specialist will be Responsible for carrying out the actions required by RD and Virginia Instruction 1940-G and 1794 to be completed at the Area Office level.

- (b) The Rural Development Manager and Specialist will be responsible for carrying out the actions required by RD and Virginia Instruction 1940-G to be completed at the Local Office level.
- (c) In discussing Rural Development assistance programs with potential applicants, Rural Development Directors, Managers, and Specialists will inform them of the Agency's environmental requirements, as well as the environmental information needs and responsibilities that Rural Development applicants are expected to address.

V. Training Requirements

The recommended training program to build the skills to perform the duties and responsibilities of the SEC and ASEC is as follows:

State Environmental Coordinator	Items 1 - 27
Assistant State Environmental Coordinator	Items 1 - 19

- (1) Review RD Instruction 1940-G, "Environmental Program."
- (2) Review RUS Instruction 1794, Bulletin 1794-A-602, and Staff Instruction 1794-1.
- (3) Review RD Instruction 426.2, "National Flood Insurance."
- (4) Review RD Instruction 1901-F, "Procedures for the Protection of Historical and Archaeological Properties."
- (5) Review RD Instruction 1940-J, "Intergovernmental Review of Rural Development Programs and Activities."
- (6) Review RD Instruction 1924-A, "Planning and Performing Construction and Other Development," only parts on Lead-Based Paint and Indoor Air Quality.
- (7) Review related National and State ANs and/or PNs.
- (8) Review the State Natural Resource Management Guide and State Supplement to RUS Bulletin 1794-602.
- (9) Review the following environmental compliance computer compact disc-based training courses (in the following order):
 - (a) National Environmental Policy Act
 - (b) Considering Project Effects under the National Environmental

Policy Act (NEPA)

- (c) Historic Preservation Issues
 - (d) Coastal Use Issues
 - (e) Land Use Issues
 - (f) Water Issues
 - (g) Farmland Policy Protection Act
 - (h) Environmental Justice
 - (i) Lender Liability
 - (j) Transaction Screen Process
 - (k) First Responder (Awareness Level) Course
- (10) Complete the HUD “Visual Assessment” training for Lead-Based Paint (LBP) at <http://www.hud.gov/offices/lead/training/visualassessment/h00100.htm> with other LBP training.
 - (11) Work through several cases on the “LBP Compliance Key” on the Rural Development Web site.
 - (12) Review recently completed environmental review documents prepared under RD Instruction 1940-G to become familiar with the format and content: Categorical Exclusion (CE), Class I Environmental Assessment (EA), and Class II EA.
 - (13) Review recently completed environmental review documents prepared under RUS 1794 to become familiar with the format and content: Categorical Exclusions with Environmental Reports and EA.
 - (14) Complete an environmental assessment to become familiar with the process.
 - (15) Meet with State Program Directors and/or Loan Specialists to become familiar with the way in which environmental review documents are completed in conjunction with loan processing.
 - (16) “Introduction to Section 106 Review” offered by the Advisory Council on Historic Preservation (ACHP).

- (17) “New SEC Orientation Training” by National Office Staff (PSS/EES).
- (18) “NEPA 101” class by National Office Staff (PSS/EES) or other NEPA training.
- (19) Federal Emergency Management Agency (FEMA) training on floodplains, FEMA maps, and flood insurance.
- (20) Cross-training with a State Environmental Coordinator in another State.
- (21) “Health and Safety Training for Hazardous Waste Operations,” which is a 40-hour initial Hazardous Waste Operations and Emergency Response (HAZWOPER) course provided by outside vendors and/or government agencies. Follow up annually with the 8-hour refresher courses.
- (22) “Phase I Environmental Site Assessment Practices For Commercial Real Estate: Transaction Screen & Phase I Site Assessment” American Society for Testing and Materials (ASTM) course on how the ASTM Environmental Site Assessment Standard Practices for the Phase I Site Assessment and the Transaction Screen Process (E1527-00 and E1528-00) were developed, how to use the standards, and how the standards affect business practices.
- (23) Basic Wetland Delineation Course and the Federal Wetland/Waters Regulatory Policy Course.
- (24) Advanced seminar on “Preparing Agreement Documents under Section 106 of the National Historic Preservation Act.”
- (25) Outside classes on laws relating to hazardous substances.
- (26) Advanced classes in NEPA law and document preparation by outside vendors.
- (27) Any available course work relating to environmental laws or regulations as it applies to Rural Development programs including, but not limited to, the following:
 - (a) Clean Water Act
 - (b) Farmland Protection Policy Act
 - (c) Endangered Species Act

- (d) National Historic Preservation Act
- (e) Clean Air Act
- (f) Resource Conservation and Recovery Act
- (g) Comprehensive Environmental Response, Compensation, and Liability Act
- (h) Lead-Based Paint
- (i) Indoor Air Quality – mold, asbestos, etc.